REMARKS

Claims 1-27 are currently pending in the subject application, and are presently under consideration. Claims 1-27 are rejected. Claims 1, 7, 10, 13, 14, 21, 22 and 25 have been amended. Claims 13 and 21 have been canceled. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I.   Rejection of Claims 13 and 21 under 35 U.S.C. §101

Claims 13 and 21 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 13 and 21 have been canceled. Accordingly, the rejection of claims 13 and 21 is now moot.

II.   Rejection of Claim 10 Under 35 U.S.C. § 112, Second Paragraph

Claim 10 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 10 has been amended to correct formal matters. The amendments to claim 10 are not intended to further limit claim 10 in any manner. Accordingly, Applicant's representative respectfully submits that claim 10 is no longer rejectable under 35 U.S.C. §112, second paragraph. Therefore, the rejection of claim 10 should be withdrawn.

III.   Rejection of Claims 22, 23, 25 and 26 Under 35 U.S.C. §102(e)

Claims 22, 23, 25 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,072,971 to Lassen, et al. ("Lassen"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 22 has been amended in a manner that is supported by at least paragraph [0034] of the Specification. Amended claim 22 recites providing configuration data from a first entity to a second entity that identifies a total number of data connections to be established. Lassen does not disclose this element of amended claim 22. Instead, Lassen discloses that different blocks (of data) can be transmitted over different independent channels from a server to a client (See

Lassen, Col. 6, Lines 31-43). However, Lassen fails to disclose any entity or process that reads on providing configuration data from a first entity to a second entity that identifies a total number of data connections to be established, as recited in amended claim 22. Accordingly, amended claim 22, as well as claim 23 depending therefrom, should be patentable over the cited art.

Claim 25 has been amended to recite providing configuration data from a first entity to a second entity, the configuration data comprising an indication of a quantity of a plurality of data connections. Amended claim 25 not is anticipated by Lassen for reasons similar to amended claim 22. Therefore, amended claim 25, as well as claim 26 depending therefrom, should be patentable over the cited art.

For the reasons described above, claims 22, 23, 25 and 26 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

IV.   Rejection of Claims 1-4, 13-17, 24 and 27 Under 35 U.S.C. §103(a)

Claims 1-4, 13-17, 24 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen in view of U.S. Publication No. 2004/0049367 to Kurosawa, et al. ("Kurosawa"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 1 has been amended in a manner that is supported by at least paragraph [0034] of the Specification. Amended claim 1 recites a client control application operative to initiate a plurality of transmission control protocol (TCP) connections and to assign each of a plurality of blocks (of a file) to one TCP connection of the plurality of TCP connections, such that each block is transmitted via it assigned connection, the client control application also providing configuration data that includes an indication of a quantity of the plurality of TCP connections. Lassen taken in view of Kurosawa fails to teach or suggest this element of amended claim 1. Instead, Lassen teaches that different blocks (of data) can be transmitted over different independent channels from a server to a client (See Lassen, Col. 6, Lines 31-43). Lassen is completely silent on any process or structure that can provide an indication of a quantity of TCP connections, in contrast to the client control operation recited in amended claim 1.

The addition of Kurosawa does not make up for the deficiencies of Lassen. Kurosawa discloses that a server transmits multiple blocks at the same time using multiple channels (See Kurosawa, Par. [0276]). However, similarly to Lassen, Kurosawa is completely silent on any process or structure that can provide an indication of a quantity of TCP connections (that transmit blocks of a file), in contrast to the client control operation recited in amended claim 1. Therefore, Lassen taken in view of Kurosawa does not teach or suggest each and every element of amended claim 1. Thus, amended claim 1, as well as claims 2-4 and 13 depending therefrom, should be patentable over the cited art.

Claim 14 has been amended in a manner that is supported by at least paragraph [0034] of the Specification. Amended claim 14 recites a server control application operative to monitor a plurality of TCP connections and to receive a plurality of blocks via the plurality of TCP connections, and to receive configuration data that identifies the quantity of the plurality of TCP connections, each block having an associated ordinal identifier. Lassen taken in view of Kurosawa fail to teach or suggest this element of amended claim 14. Instead, Lassen discloses that different blocks (of data) can be transmitted over different independent channels from a server to a client (See Lassen, Col. 6, Lines 31-43). However, Lassen is completely silent on any process or structure that receives configuration data that identifies a quantity of a plurality of TCP connections, in contrast to the server control operation recited in amended claim 14.

The addition of Kurosawa does not make up for the deficiencies of Lassen. Kurosawa discloses that a server transmits multiple blocks at the same time using multiple channels (See Kurosawa, Par. [0276]). However, similarly to Lassen, Kurosawa is completely silent on any process or structure that receives configuration data that identifies a quantity of a plurality of TCP connections, in contrast to the client control operation recited in amended claim 14. Therefore, Lassen taken in view of Kurosawa fails to teach or suggest each and every element of amended claim 14. Thus, Lassen taken in view of Kurosawa fails to make amended claim 14 obvious. Accordingly, amended claim 14, as well as claims 15-17 depending therefrom, should be patentable over the cited art.

Claims 24 and 27 depend from amended claims 22 and 25, respectively, and are patentable for at least the same reasons as amended claims 22 and 25, and for the specific elements recited therein. Moreover, the addition of Kurosawa does not make up for the aforementioned deficiencies of Lassen with respect to amended claims 22 and 25. Therefore, claims 24 and 27 should be patentable over the cited art.

For the reasons described above, claims 1-4, 13-17, 24 and 27 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

V.   Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen and Kurosawa in view of U.S. Patent No. 6,021,433 to Payne, et al. ("Payne"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 5 depends from amended claim 1 and is patentable for at least the same reasons as amended claim 1. Moreover, the further addition of Payne does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa with respect to amended claim 1, from which claim 5 depends. In rejecting claim 5, the Examiner contends that Payne discloses the elements recited in claim 5. Applicant's representative respectfully disagrees. Payne fails to teach or suggest a client control application providing e-mail notification of a status of transmission of blocks over a plurality of TCP connections to at least one remote location, as recited in claim 5. Payne discloses a process for generating and processing e-mail alerts (See Payne, Col. 29, Line 66-Col. 30, Line 4). However, Payne provides no teaching or suggestion that any e-mail provided would include a status of transmission. Therefore, Payne does not teach or suggest a client control application providing e-mail notification of a status of transmission of blocks over a plurality of TCP connections, as recited in claim 5 (emphasis added). Accordingly, Lassen taken in view of Kurosawa and in further view of Payne does not make claim 5 obvious. Thus, withdrawal of this rejection is respectfully requested.

VI.   Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen and Kurosawa in view of U.S. Publication No. 2002/0026501 to Hoang ("Hoang"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 6 depends from amended claim 1 and is patentable for at least the same reasons as amended claim 1. Moreover, the further addition of Hoang does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa with respect to amended claim 1, from which claim 6 depends. In rejecting claim 6, the Examiner contends that Hoang teaches the elements recited in claim 6. Applicant's representative respectfully disagrees. Hoang does not teach or suggest a client control application operative to automatically reinitiate a TCP connection if a TCP connection is prematurely terminated, as recited in claim 6. Hoang teaches that in the case of a channel failure, a central controlling server 102 through a switch matrix 112 disengages a malfunctioning component and engages a healthy backup component 116 to resume service (See Hoang, Par. [0029]). However, Hoang fails to teach or suggest employment of any TCP connections. Therefore, Hoang cannot teach or suggest a client control application operative to automatically reinitiate a TCP connection if a TCP connection is prematurely terminated, as recited in claim 6. Accordingly, Lassen taken in view of Kurosawa and in further view of Hoang does not make claim 6 obvious. Thus, withdrawal of this rejection is respectfully requested.

VII.   Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen and Kurosawa in view of U.S. Patent No. 6,404,745 to O'Neil ("O'Neil"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 7 has been amended to recite a client control application operative to detect a lagging connection, and if a lagging connection is detected, the client control operation pauses at least one of a plurality of TCP connections to allow the lagging connection access to available

bandwidth. Amended claim 7 depends from amended claim 1 and is patentable for at least the same reasons as amended claim 1. Moreover, the addition of O'Neil does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa with respect to amended claim 1, from which amended claim 7 depends. O'Neil discloses that a flowControlCommand message can be sent by a transmitting endpoint of a logical channel towards a receiving endpoint to suspend processing of a multicast stream at the receiving endpoint (See O'Neil Col. 5, Lines 51-55). In contrast to the teachings of O'Neil, amended claim 7 recites a client control application that is operative to detect a lagging connection. In O'Neil, the flowControlCommand is sent to indicate a request for a change in a bitrate for a logical channel (See O'Neil, Col. 5, Lines 48-51). There is no process or structure in O'Neil that corresponds to a client control application operative to detect a lagging connection, and if a lagging connection is detected, the client control operation pauses at least one of a plurality of TCP connections to allow a lagging connection access to available bandwidth, as recited in amended claim 7. Therefore, Lassen taken in view of Kurosawa and in further view of O'Neil does not make amended claim 7 obvious. Thus, withdrawal of this rejection is respectfully requested.

VIII. Rejection of Claims 8-11 and 18-20 Under 35 U.S.C. §103(a)

Claims 8-11 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen and Kurosawa in view of U.S. Publication No. 2003/0093485 to Dougall, et al. ("Dougall"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 8-11 and 18-20 depend from claims 1 and 14 and are patentable for at least the same reasons as claims 1 and 14, and for the specific elements recited therein. In rejecting claims 8-11 and 18-20, the Examiner relies on Dougall solely for disclosing a user interface (e.g., See Dougall, FIG. 18). However, the further addition of Dougall does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa with respect to claims 1 and 14, from which claims 8-11 and 18-20 depend. Accordingly, Lassen taken in view of Kurosawa

and in further view of Dougall does not make claims 8-11 and 18-20 obvious. Therefore, withdrawal of this rejection is respectfully requested.

IX. <u>Rejection of Claim 12 Under 35 U.S.C. §103(a)</u>

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen and Kurosawa and Dougall in view of U.S. Publication No. 2002/0107968 to Horn, et al. ("Horn"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 12 depends from claims 8 and 1 and is patentable for at least the same reasons as claims 8 and 1. Moreover, the further addition of Horn does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Dougall with respect to claim 8, from which claim 12 depends. In rejecting claim 12, the Examiner contends that Dougall discloses allowing a user to specify a number of channels to join (See Office Action, Page 14, Citing Par. [0103] of Horn). Applicant's representative respectfully disagrees with the Examiner's interpretation of the cited section of Horn. Horn discloses that a <u>client</u> may join one or more channels to increase a reception rate (emphasis added; See Horn, Par. [0103]). However, nothing in the cited section of Horn teaches or suggests that a graphical user interface comprises a configuration routine that allows a <u>user</u> to specify at least one of, an averaging period used for deriving an estimated duration for a transmission and a number of TCP connections utilized in a transfer, as recited in claim 12 (emphasis added). Instead, Horn merely discloses that a client may join one or more channels. Since a client (as disclosed by Horn) cannot correspond to a user, Horn cannot teach or suggest a graphical user interface comprises a configuration routine that allows a user to specify at least one of, an averaging period used for deriving an estimated duration for a transmission and a number of TCP connections utilized in a transfer, as recited in claim 12. Thus, Lassen taken in view of Kurosawa, in further view of Dougall and in further view of Horn does not make claim 12 obvious. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date _____8/13/07_____

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